

**PUBLIC NOTICE OF NEGOTIATION FOR LEASE
OF WAIANAE AGRICULTURAL PARK
AND PAHOA AGRICULTURAL PARK
ISLANDS OF OAHU AND HAWAII**

The Department of Agriculture ("DOA") is accepting applications to negotiate for agricultural leases. Applications and information regarding the lease disposition are available at the DOA's Agricultural Resource Management Division ("ARMD"), 1428 South King Street, Honolulu and 16 East Lanikaula, Hilo, or by calling the following toll free numbers from: Kauai, 274-3141, ext. 39473; Maui, 984-2400, ext. 39473; Molokai and Lanai, 1 800-468-4644, ext. 39473; or on Oahu, (808) 973-9473 and Hawaii, (808) 974-4147 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays. Information is also available on the DOA's website at <http://hdoa.hawaii.gov/arm/>.

Application forms shall be filed with the ARMD at 1428 South King Street, Honolulu, Hawaii 96814 no later than 3:00 p.m., September 21, 2020. The DOA will review all applications, verify applicant qualifications and determine those qualified. All applicants shall be notified in writing of the result of the application review. Any questions or inquiries should be directed to the toll free number(s) above.

Eligibility of Applicants

1. Any person shall be eligible to apply if they are a U.S. citizen, who has resided in the State for 3 years; or
2. Is a permanent status alien who has resided in the State for 5 years; and
3. Is a bona fide farmer or new farmer as defined in §4-153-1, Definitions, Hawaii Administrative Rules ("HAR").
4. In the case of agricultural cooperatives, associations, partnerships, corporations and limited liability companies, the residence requirement must be met by 75% of the associates, partners, stockholders, officers, directors, and members, as applicable, who are bona fide farmers, new farmers, or qualified aquaculturalists.
5. No person shall be eligible to lease agricultural lands who, during the 5 years preceding the date of this notice, has had a previous sale, lease, license, permit, or easement covering public lands canceled for failure to satisfy its terms and conditions, or who is in arrears in the payment of taxes or other obligations to the State or any of its counties.
6. All persons interested in applying for the available farm lot(s) shall comply with §4-153-5, 13 & 15, HAR, Application requirements and be subject to §4-153-16, HAR, Preference right.

Submission of Proposal

Upon notification by DOA that an applicant is qualified, a proposal for lease shall be submitted within 30 days after receipt of notification. The Board of Agriculture ("BOA") shall review all proposals received and shall accept the proposals with the best negotiated terms. All applicants shall be contacted by the ARMD regarding the disposition of their proposals, of which the successful proposal shall be subject

to the satisfactory completion of the conditions stated in §4-153-32, HAR, Additional terms and conditions. The awardee (qualified applicant) who successfully completes all the requirements for lease shall pay the costs incurred in the administration of the lease disposition, pursuant to §4-153-6 Fees and charges, HAR, which may include negotiation, appraisal, notices, publications, and closing costs.

A Right-of-Entry shall be issued to the awardee enabling access for the limited purpose of meeting the conditions. Upon successful completion of the conditions, the lease will be executed and issued; until then, the awardee shall have no real property interest in the subject lot(s). In the event the conditions are not satisfactorily met within 6 months after proposal is accepted, the award shall be rescinded.

Summary of Significant Lease Provisions

1. Uses will be permitted only as shown on the list of parcel(s).
2. Lessee will be required to support the operations and maintenance costs of the irrigation project, as applicable. Lessee shall become a participant in an irrigation project as may be created under Chapter 167, Hawaii Revised Statutes, and abide by the irrigation project's rules, rates and charges.
3. No residential dwellings shall be allowed, except as approved by the BOA.
4. Transfer, assignment or sublease of an agricultural land lease shall be only to persons or entities which satisfy qualification requirements and §4-153-33, HAR, Lease restrictions; generally.
5. For the purposes of this disposition, no lease shall be transferred, assigned or subleased for the first five (5) years of the initial lease term.

Description of Land(s)

The lot(s) have access via paved roads; irrigation water and/or potable water service, telephone, electricity and other utilities shall be the responsibility of the awardee. The lot(s) will require clearing and grading before any agricultural activity can commence and will be leased on an "as is" basis. It is the awardee's responsibility to inspect and develop the lot(s) in accordance with applicable county regulations and lease provisions.

Parcels to be disposed of include:

ITEM I: LOCATION: Lot 1, Waianae Agricultural Park, 85-681 Piliuka Place, Waianae, Island of Oahu; 1st Div. (Oahu) 8-5-034:001; **AREA:** 5.042 gross acres (2.7 net useable acres); **TERM:** 35 years; **UPSET MINIMUM ANNUAL RENTAL:** \$2,303.00 per annum; payable semi-annually, in advance; or **ADDITIONAL RENTAL:** 1½% of gross proceeds, whichever is greater; **RENT REOPENING:** To be determined; **USE:** Diversified agriculture only.

ITEM II: LOCATION: Lot 1, Pahoā Agricultural Park, Island of Hawaii; 3rd Div. (Hawaii) 1-5-116:001; **AREA:** 10.193 gross acres; **TERM:** 35 years; **UPSET MINIMUM ANNUAL RENTAL:** \$940.00 per annum; payable semi-annually, in advance; or **ADDITIONAL RENTAL:** 1½% of gross proceeds, whichever is greater; **RENT REOPENING:** To be determined; **USE:** Diversified agriculture only.

ITEM III: LOCATION: Lot 3, Pahoā Agricultural Park, Island of Hawaii; 3rd Div. (Hawaii) 1-5-116:003; **AREA:** 10.000 gross acres; **TERM:** 35 years; **UPSET**

MINIMUM ANNUAL RENTAL: \$930.00 per annum; payable semi-annually, in advance; or ADDITIONAL RENTAL: 1½% of gross proceeds, whichever is greater; RENT REOPENING: To be determined; USE: Diversified agriculture only.

ITEM IV: LOCATION: Lot 7, Pahoia Agricultural Park, Island of Hawaii; 3rd Div. (Hawaii) 1-5-116:007; AREA: 10.000 gross acres; TERM: 35 years; UPSET MINIMUM ANNUAL RENTAL: \$930.00 per annum; payable semi-annually, in advance; or ADDITIONAL RENTAL: 1½% of gross proceeds, whichever is greater; RENT REOPENING: To be determined; USE: Diversified agriculture only.

ITEM V: LOCATION: Lot 11, Pahoia Agricultural Park, Island of Hawaii; 3rd Div. (Hawaii) 1-5-116:011; AREA: 30.000 gross acres; TERM: 35 years; UPSET MINIMUM ANNUAL RENTAL: \$2,350.00 per annum; payable semi-annually, in advance; or ADDITIONAL RENTAL: 1½% of gross proceeds, whichever is greater; RENT REOPENING: To be determined; USE: Diversified agriculture only.

ITEM VI: LOCATION: Lot 12, Pahoia Agricultural Park, Island of Hawaii; 3rd Div. (Hawaii) 1-5-116:012; AREA: 29.166 gross acres; TERM: 35 years; UPSET MINIMUM ANNUAL RENTAL: \$2,350.00 per annum; payable semi-annually, in advance; or ADDITIONAL RENTAL: 1½% of gross proceeds, whichever is greater; RENT REOPENING: To be determined; USE: Diversified agriculture only.

ITEM VII: LOCATION: Lot 13, Pahoia Agricultural Park, Island of Hawaii; 3rd Div. (Hawaii) 1-5-116:013; AREA: 25.000 gross acres; TERM: 35 years; UPSET MINIMUM ANNUAL RENTAL: \$2,020.00 per annum; payable semi-annually, in advance; or ADDITIONAL RENTAL: 1½% of gross proceeds, whichever is greater; RENT REOPENING: To be determined; USE: Diversified agriculture only.

ITEM VIII: LOCATION: Lot 15, Pahoia Agricultural Park, Island of Hawaii; 3rd Div. (Hawaii) 1-5-116:015; AREA: 19.596 gross acres; TERM: 35 years; UPSET MINIMUM ANNUAL RENTAL: \$1,640.00 per annum; payable semi-annually, in advance; or ADDITIONAL RENTAL: 1½% of gross proceeds, whichever is greater; RENT REOPENING: To be determined; USE: Diversified agriculture only.

ITEM IX: LOCATION: Lot 17, Pahoia Agricultural Park, Island of Hawaii; 3rd Div. (Hawaii) 1-5-116:017; AREA: 15.000 gross acres; TERM: 35 years; UPSET MINIMUM ANNUAL RENTAL: \$1,310.00 per annum; payable semi-annually, in advance; or ADDITIONAL RENTAL: 1½% of gross proceeds, whichever is greater; RENT REOPENING: To be determined; USE: Diversified agriculture only.

ITEM X: LOCATION: Lot 18, Pahoia Agricultural Park, Island of Hawaii; 3rd Div. (Hawaii) 1-5-116:018; AREA: 5.371 gross acres; TERM: 35 years; UPSET MINIMUM ANNUAL RENTAL: \$680.00 per annum; payable semi-annually, in advance; or ADDITIONAL RENTAL: 1½% of gross proceeds, whichever is greater; RENT REOPENING: To be determined; USE: Diversified agriculture only.

ITEM XI: LOCATION: Lot 20, Pahoia Agricultural Park, Island of Hawaii; 3rd Div. (Hawaii) 1-5-116:020; AREA: 10.000 gross acres; TERM: 35 years; UPSET MINIMUM ANNUAL RENTAL: \$930.00 per annum; payable semi-annually, in advance; or ADDITIONAL RENTAL: 1½% of gross proceeds, whichever is greater; RENT REOPENING: To be determined; USE: Diversified agriculture only.

ITEM XII: LOCATION: Lot 62, Pahoia Agricultural Park, Island of Hawaii; 3rd Div.

(Hawaii) 1-5-116:062; AREA: 13.428 gross acres; TERM: 35 years; UPSET MINIMUM ANNUAL RENTAL: \$1,190.00 per annum; payable semi-annually, in advance; or ADDITIONAL RENTAL: 1½% of gross proceeds, whichever is greater; RENT REOPENING: To be determined; USE: Diversified agriculture only.

The BOA has approved the acceptance of up to five (5) "back-up" proposals in the event the initial awardee fails to complete the leasing process.

The general lease conditions describing the terms and conditions, property map, lot descriptions, and Chapter 4-153, HAR, are available on the DOA's website or may be examined at the office below:

1428 South King Street, Honolulu, HI 96814-2512 Tel. (808) 973-9473

16 East Lanikaula Street, Hilo, HI 96720-4302 Tel. (808) 974-4147

The disposition of lease(s) may be canceled, postponed or continued from time to time, as may be deemed necessary, by publication of notice to that effect by order of the Chairperson of the BOA.

The DOA does not discriminate on the basis of race, color, sex, national origin, age, or disability, or any other class as protected under applicable federal or state law, in administration of its programs, or activities, and, the DOA does not intimidate or retaliate against any individual or group because they have exercised their rights to participate in actions protected, or oppose action prohibited, by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights.

If you have any questions about this notice or any of the DOA's non-discrimination programs, policies, or procedures, you may contact:

Morris Atta, Acting Non-Discrimination Coordinator

Hawaii Department of Agriculture

1428 South King Street, Honolulu, HI 96814

(808) 973-9560

hdoa.titlevi@hawaii.gov

If you believe that you have been discriminated against with respect to a DOA program or activity, you may contact the Non-Discrimination Coordinator identified above.

To request language or accessibility for applications for DOA agricultural leases, please contact the Office of the Chairperson, at (808) 973-9560 or email: hdoa.info@hawaii.gov. Please allow sufficient time for DOA to meet accommodation requests.

Phyllis Shimabukuro-Geiser, Chairperson

Board of Agriculture

(SA/HTH1290300 8/7, 8/14, 8/21/20)